

see att
UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

SAMUEL BERTRELL MOORE, : CIVIL NO: 1:CV-00-2148
Petitioner, :
: (Judge Caldwell)
v. :
: (Magistrate Judge Smyser)
UNITED STATES OF AMERICA, :
Respondent, :
:

FILED
HARRISBURG, PA

JAN 22 2001

ORDER

MARY E. D'ANDREA, CLERK
PER _____
DEPUTY CLERK

The petitioner, a federal prisoner proceeding *pro se*, filed in the United States District Court for the District of Columbia a motion under 28 U.S.C. § 2255 to vacate, set aside or correct his sentence. The petitioner claimed that there was a clerical error in his Judgement and Commitment Order regarding the term of his supervised release and that the Bureau of Prisons (BOP) incorrectly calculated the term of his sentence. By an Order filed on July 17, 2000, Judge Roberts of the United States District Court for the District of Columbia granted the petitioner's § 2255 motion in part and amended the petitioner's Judgment and Commitment Order. Judge Roberts further ordered that the petitioner's claim that the BOP

incorrectly calculated his sentence be transferred to this court. On December 15, 2000, this court received part of the original file from the United States District Court for the District of Columbia. It was not until January 16, 2001, however, that this court received a copy of the petitioner's § 2255 motion.

We will treat the petitioner's claim that the BOP incorrectly calculated his sentence as a habeas corpus claim brought pursuant to 28 U.S.C. § 2241.

AND NOW, this ²²^d day of January, 2001, IT IS HEREBY ORDERED that:

1. Respondent shall show cause on or before February 8, 2001 why the petitioner should not be granted habeas corpus relief;
2. A determination as to whether or not the petitioner shall be produced for a hearing will be held in abeyance pending the filing of a response;

3. Petitioner shall, if he so desires, file a reply to the response to the show cause order within ten (10) days of its filing; and

4. The Clerk is directed to serve a copy of the petition (doc. 2) and this Order on the United States Attorney and to note the address of the United States Attorney on the front of the docket sheet in this case. All documents filed by the parties and by the Court shall be served upon the United States Attorney.



J. Andrew Smyser
Magistrate Judge

Dated: January 22, 2001.

UNITED STATES DISTRICT COURT
FOR THE
MIDDLE DISTRICT OF PENNSYLVANIA

* * MAILING CERTIFICATE OF CLERK * *

January 22, 2001

Re: 1:00-cv-02148 Moore v. USA

True and correct copies of the attached were mailed by the clerk to the following:

Samual Bertrell Moore
FCI-SCHUYLKILL
09644-050
P.O. Box 759
Minersville, PA 17954

| | | |
|-------------------------|---|---|
| cc: _____ | (<input checked="" type="checkbox"/>) | 1 copy to AUSA |
| Judge | (<input checked="" type="checkbox"/>) | NB |
| Magistrate Judge | (<input checked="" type="checkbox"/>) | |
| U.S. Marshal | (<input checked="" type="checkbox"/>) | |
| Probation | (<input checked="" type="checkbox"/>) | |
| U.S. Attorney | (<input checked="" type="checkbox"/>) | |
| Atty. for Deft. | (<input checked="" type="checkbox"/>) | |
| Defendant | (<input checked="" type="checkbox"/>) | |
| Warden | (<input checked="" type="checkbox"/>) | |
| Bureau of Prisons | (<input checked="" type="checkbox"/>) | |
| Ct Reporter | (<input checked="" type="checkbox"/>) | |
| Ctroom Deputy | (<input checked="" type="checkbox"/>) | |
| Orig-Security | (<input checked="" type="checkbox"/>) | |
| Federal Public Defender | (<input checked="" type="checkbox"/>) | |
| Summons Issued | (<input checked="" type="checkbox"/>) | with N/C attached to complt. and served by: U.S. Marshal (<input checked="" type="checkbox"/>) Pltf's Attorney (<input checked="" type="checkbox"/>) |
| Standard Order 93-5 | (<input checked="" type="checkbox"/>) | |
| Order to Show Cause | (<input checked="" type="checkbox"/>) | with Petition attached & mailed certified mail to: US Atty Gen (<input checked="" type="checkbox"/>) PA Atty Gen (<input checked="" type="checkbox"/>) DA of County (<input checked="" type="checkbox"/>) Respondents (<input checked="" type="checkbox"/>) |
| Bankruptcy Court | (<input checked="" type="checkbox"/>) | |
| Other _____ | (<input checked="" type="checkbox"/>) | |

MARY E. D'ANDREA, Clerk

DATE: 1-22-01

BY: M.E.D'A
Deputy Clerk